

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claim 13 has been canceled in favor of new claim 14. Support for the subject matter of claim 14 is provided at least in cancelled claim 13.

Claim 13 was rejected, under 35 USC 103(a), as being unpatentable over Yamada et al. (US 2001/0014091) in view of Takahashi et al. (US 5,881,099) and Okamoto (US 6,266,360). To the extent this rejection may be deemed applicable to new claim 14, the Applicant respectfully traverses based on the points set forth below.

Claim 14 defines a CDMA transmitting apparatus that increases, within a multiplex signal, the ratio of multiplexing that is applied to a retransmission signal relative to the multiplexing applied to signals other than the retransmission signal, as the number of retransmissions increases. The claimed subject matter provides an advantage of improving the likelihood of receiving a retransmission signal correctly as the number of retransmissions increases, without significantly affecting the transmission efficiency of the communication (see the discussion at specification page 3, line 20, through page 4, line 1).

The Office Action acknowledges that Yamada and Takahashi do not disclose this subject matter. The office action cites Okamoto for this subject matter (see Office Action page 4, second to last paragraph, through page 5, line 4). More specifically, the Office Action proposes that, within a multiplex signal, Okamoto discloses increasing the multiplexing applied to a retransmission signal and decreasing the multiplexing applied to signals other than the

retransmission signal as the number of retransmissions increases (see the office action in the paragraph bridging pages 4 and 5).

However, the Applicants note that Okamoto discloses reducing the amount of multiplexing applied to a multiplex signal as the communication error rate increases (see Okamoto col. 13, lines 55-63), but Okamoto does not disclose changing a ratio of multiplexing within the multiplex signal, as recited in claim 14. More specifically, Okamoto does not disclose the Applicant's claimed feature of increasing, within a multiplex signal, the ratio of multiplexing applied to a retransmission signal relative to multiplexing applied to signals other than the retransmission signal as the number of retransmissions increases.

As one non-limiting example, if two spreading codes are applied to retransmission data and eight spreading codes are applied to data other than the retransmission data to generate a first multiplex signal of a first retransmission and if a subsequent retransmission is made, the claimed subject matter may apply four spreading codes to retransmission data and six spreading codes to data other than the retransmission data in a second multiplex signal. Thus, as the number of retransmissions increases, the claimed subject matter may increase the ratio of multiplexing applied to retransmission data relative to other data within a signal. Specifically, in this example, the ratio of multiplexing increases from one fourth (i.e., $2/8$) to two thirds (i.e., $4/6$) as the number of retransmissions increases.

Okamoto does not disclose varying a ratio of multiplexing retransmission data relative to other data within a signal as the number of retransmission increases. Instead, Okamoto discloses varying the total amount of multiplexing within a signal as the number of retransmissions increases. For example, if ten multiplexed signals are transmitted in a signal of a first

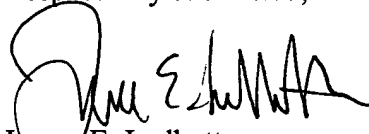
retransmission, then Okamoto's system may reduce the total number of multiplexed signals transmitted in a subsequent retransmission to eight. But Okamoto does not disclose varying the ratio of multiplexing applied to retransmission data relative to other data within a signal.

Accordingly, the Applicant respectfully submits that Yamada, Takahashi and Okamoto, considered individually or in combination, do not render obvious the subject matter defined by new claim 14. Therefore, allowance of claim 14 is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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